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Attorneys for Complainant

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

CATHERINE BAGSIC
6314 Ian Chad Dr. West
Jacksonville, FL 32244

Physical Therapy Assistant License
No. AT- 6671

Respondent.

Case No. 1D 2005 64311

OAH No. 2007080205

**STIPULATION FOR PUBLIC
REPROVAL AND DISCIPLINARY
ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. Steven K. Hartzell (Complainant) is the Executive Officer of the Physical Therapy Board of California. He brought this action solely in his official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Deputy Attorney General, Susan K. Meadows.

2. Respondent Catherine Bagsic (Respondent) is represented by Carl E. Kadlic, Law Offices of Carl E. Kadlic, 3527 Mt. Diablo Blvd., Suite 112, Lafayette, California 94549.

3. On March 31, 2004, the Physical Therapy Board of California issued Physical Therapist Assistant License No. AT 6671 to respondent. This license will expire on February 29,

1 2008 unless renewed.

2 **JURISDICTION**

3 4. The accusation in this matter was filed before the Physical Therapy Board of
4 California (Board), Department of Consumer Affairs, on June 5, 2007. This accusation and all
5 other statutorily required documents were properly served on respondent and respondent timely
6 filed her Notice of Defense. A true and correct copy of the accusation pending against
7 respondent is attached as Exhibit A and incorporated here by reference.

8 **ADVISEMENT AND WAIVERS**

9 5. Respondent has carefully read and understands the charges and allegations in the
10 Accusation and discussed the charges and allegation with her counsel. Respondent has also
11 carefully read and understands the effects of this Stipulated Settlement and Disciplinary Order.

12 6. Respondent is fully aware of her legal rights in this matter, including the right to a
13 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
14 her own expense; the right to confront and cross-examine the witnesses against her; the right to
15 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
16 compel the attendance of witnesses and the production of documents; the right to reconsideration
17 and court review of an adverse decision; and all other rights accorded by the California
18 Administrative Procedure Act and other applicable laws.

19 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each
20 and every right set forth above.

21 **CULPABILITY**

22 8. Respondent admits the truth of each and every charge and allegation in the
23 Accusation. These admissions are limited to these proceedings and to any other administrative
24 proceedings pertinent to professional licensure and shall not be admissible in any civil or
25 criminal proceedings.

26 9. Respondent agrees that her Physical Therapist Assistant License is subject to
27 discipline and she agrees to be bound by the Physical Therapy Board of California (Board)'s
28 imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

10. This stipulation shall be subject to approval by the Physical Therapy Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Physical Therapy Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by respondent. By signing the stipulation, respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. IT IS HEREBY STIPULATED AND AGREED, based upon the above stipulation and recitals, that the Board, upon its approval of the stipulation herein set forth, may without further notice, enter an order whereby respondent as holder of Physical Therapy Assistant License No. AT-6671 shall by way of letter from the President of the Physical Therapy Board of California be **publicly reprovred**; provided, however, that said public reprovral is conditional on respondent's full compliance with the following conditions precedent:

12. **COST RECOVERY** The respondent is ordered to reimbursed the Board the actual and reasonable investigative and prosecutorial costs incurred by the Board in the amount of \$4,154.50. Said costs shall be reduced, however, and the remainder forgiven, if respondent pays \$1,200.00 (twelve hundred dollars) within ninety days (90) days of the effective date of this Decision. In the event respondent fails to pay within ninety days (90) days of the Decision, the full amount of costs shall be immediately due and payable. The filing of bankruptcy by respondent shall not relieve respondent of her responsibility to reimburse the Board. If respondent is in default of her responsibility to reimburse the Board, the Board will collect cost recovery from the Franchise Tax Board, the Internal Revenue Service or by any other means of attachment of earned wages legally available to the Board. Failure to fulfill the obligation could also result in attachment to Department of Motor Vehicle registrations and or license renewals.

1 13. CALIFORNIA LAW EXAMINATION - WRITTEN EXAM ON THE LAWS
2 AND REGULATIONS GOVERNING THE PRACTICE OR PERFORMANCE OF PHYSICAL
3 THERAPY Within 90 days of the effective date of this decision, respondent shall take and pass

4 the Board's written examination on the laws and regulations governing the practice of physical
5 therapy in California. If respondent fails to pass the examination, respondent shall be suspended
6 from the practice of physical therapy until a repeat examination has been successfully passed.

7 14. Respondent specifically acknowledges and understands that the order for public
8 reprimand as a resolution to the charges in the Accusation is contingent upon respondent's full
9 compliance with each of the conditions set forth in paragraphs 12 and 13 of this Stipulation. If
10 respondent fails successfully to pay cost recovery and successfully complete the California Law
11 Examination within the time limits set forth above, respondent stipulates and agrees that such
12 deficiency shall constitute unprofessional conduct and an independent basis for disciplinary
13 action pursuant to Business and Professions Code section 2660. In the event that any of the
14 above occurs, respondent understands that complainant may file an amended or supplemental
15 accusation, alleging, in addition to the allegations in the Accusation currently pending, general
16 unprofessional conduct pursuant to Business and Professions Code section 2660. Upon the
17 issuance of an amended or supplemental accusation as described above, this matter shall be
18 placed upon the calendar of the Office of Administrative Hearings for hearing on a priority basis.

19 15. Upon full compliance with the conditions precedent set forth in this Stipulation,
20 respondent's physical therapy assistant's license shall be publicly reprovved by way of a letter
21 from the President of the Physical Therapy Board, which shall be in the same form as the letter
22 attached as Exhibit B hereto.

23 16. In consideration for complainant's entering into this Stipulation, respondent
24 hereby waives any right to challenge the legal effect of the Stipulation by way of petition for
25 reconsideration, petition for writ of mandamus, appeal, or otherwise, and further waives any
26 time-based defenses such as laches with respect to the delay created by entering into this
27 Stipulation if it becomes necessary to pursue the allegations in the Accusation currently pending.
28 After respondent has signed this Stipulation, respondent shall not be permitted to withdraw from

1 the Stipulation unless it is rejected by the Division.

2 **ACCEPTANCE**

3 I have carefully read and considered the Stipulated Settlement and discussed it with my
4 counsel. I understand the stipulation and the effect it will have on my Physical Therapist
5 Assistant License. I enter into this Stipulated Settlement voluntarily, knowingly, and with the
6 advice of counsel, and agree to be bound by the Decision and Order of the Physical Therapy
7 Board of California.

8 DATED: November 9, 2007

9 ORIGINAL SIGNED BY:
10 CATHERINE BAGSIC
Respondent

11 DATED: November 9, 2007

12 I concur in the Stipulation.

13 ORIGINAL SIGNED BY:
14 CARL E. KADLIC
15 Attorney for Respondent

16 **ENDORSEMENT**

17 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
18 submitted for consideration by the Physical Therapy Board of California of the Department of
19 Consumer Affairs.

20 DATED: November 9, 2007

21 EDMUND G. BROWN JR., Attorney General
22 of the State of California

23 JOSE R. GUERRERO
24 Supervising Deputy Attorney General

25 ORIGINAL SIGNED BY:
26 SUSAN K. MEADOWS
Deputy Attorney General

27 Attorneys for Complainant
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Exhibit A
(Accusation)

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1 EXHIBIT B

PUBLIC REPROVAL

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4 Catherine T. Bagsic, PTA
6314 Ian Chad Dr. West
5 Jacksonville, FL, 32244

6 RE: Public Letter of Reproval Pursuant to Decision in
7 Case No. 1D-2005-64311, entitled: In the Matter of
8 The Accusation Against Catherine T. Bagsic

9 Dear Ms. Bagsic:

10 On or about June 5, 2007, the Physical Therapy Board of California filed an Accusation
11 against your license to perform as a physical therapist assistant in California. The Accusation
charges you with violations of Business and Professions Code related to providing care to
patients as a physical therapist assistant without proper supervision by physical therapist.

12 WHEREFORE, pursuant to the authority of section 495 of the Business and Professions
13 Code, the Physical Therapy Board of California hereby issues a public reproval in this matter,
and understands from your conduct and representations that no future violations of the Business
14 and Professions Code will occur.

15 Very truly yours,

16 ORIGINAL SIGNED BY:
Nancy Krueger, PT, President
Physical Therapy Board of California
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